

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. DERRICK ISRAEL, : CIVIL ACTION

Petitioner, :

:

v. :

:

SUPERINTENDENT; MR. LAWLER, et al., : NO. 08-4175

Respondents. :

ORDER

AND NOW, this 18<sup>th</sup> day of March, 2009, upon careful and independent consideration of the petition for a writ of habeas corpus, the amended petition for a writ of habeas corpus, the responses thereto, and Petitioner's reply and supplement reply to the response, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
- 2. The petition for a writ of habeas corpus is DISMISSED WITH PREJUDICE;
3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right or demonstrated that a reasonable jurist would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of this Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

Mary A. McLaughlin  
MARY A. MC LAUGHLIN, J.